

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE
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LAKEWOOD, COLORADO 80215-7076

June 13, 1997

In Reply Refer To:
2200/9300 (CO-935) **P**

EMS Transmission 06/13/97
Instruction Memorandum No. CO-97-048
Expires: 9/30/98

To: District Managers, Resource Area Managers

From: Acting State Director, Colorado

Subject: Clarification of Instruction Memorandum (IM) No. 97-74, Policy for Issuance of Notice of Decision (NOD) and Availability of Information Regarding the Value of Property Involved in Land Exchanges, and IM No. 97-94, Interim Guidance-Records Access Categories List

The purpose of this memorandum is to provide guidance concerning the correct interpretation of the policies contained in the subject IM as they relate to the release of appraisal information on land exchanges.

According to IM No. 97-74, appraisal information pertaining to a specific land exchange must be made available for public review after the NOD has been published, but the IM does not define what constitutes "appraisal information." It has been Colorado's policy to make copies of the appraisal summary, the appraisal review statement, and comparable sales information available to the public after a final appraisal has been approved. This approach is consistent with the policy contained in the IM. As a result, Colorado will continue to make this appraisal information available for public review during the protest period allowed in the NOD.

IM No. 97-74 goes on to say that those portions of the appraisal report which do not contain proprietary or confidential information are releasable under the Freedom of Information Act (FOIA). This means that a FOIA request is required before any portion of an approved appraisal report can be released on land exchanges. Before an approved appraisal report is released, the appraisal staff will review the report to determine whether or not it contains proprietary and confidential information which are not subject to release under FOIA.

While IM No. 97-74 is limited to exchanges, IM No. 97-94 contains additional guidance concerning the release of appraisal reports for other realty cases. In order to implement the policy contained in both IM's and to provide consistency in the release of appraisal information for all realty transactions, it will be Colorado's policy to release those portions of an approved final appraisal report which do not contain proprietary or confidential information when a FOIA request is filed. Before any part of an appraisal report is released under FOIA, the appraisal staff will review the report to ensure that confidential and proprietary information are not released.

Preliminary estimates of value, even if approved, are never available for public review because they are considered internal working documents which are not subject to release under FOIA. Likewise, no appraisal report will be released prior to approval by the Chief State Appraiser or while negotiations are still pending. Colorado will continue its policy to make copies of the appraisal summary, the appraisal review statement, and comparable sales information available to the public on a case-by-case basis after the appraisal has been approved. Release of this limited appraisal information does not require a FOIA request.

Appraisal reports, whether paid for by land exchange proponents or Bureau of Land Management (BLM), will also be subject to release under the policy outlined in this memorandum. Effective immediately, the language shown in Attachment 1 will be included in all Agreements to Initiate a Land Exchange or contracts issued by BLM for exchange appraisal work.

If you have any questions concerning this policy, please direct them to Jenny Saunders at (303) 239-3708 or Al Wagner at (303) 239-3742.

Signed by	Authenticated by
Robert V. Abbey	Don Snow
Acting State Director	EMS Operator

1 Attachment - Release of Appraisal Report

RELEASE OF APPRAISAL REPORTS

The following language will be included in all Agreements to Initiate a Land Exchange where the proponent agrees to procure and pay for an appraisal report, whether provided by a private fee appraiser or a Bureau of Land Management (BLM) staff appraiser under a reimbursable agreement:

- The proponent agrees to pay for the appraisal of the lands included in the exchange.
- The proponent shall therefore arrange for an appraisal of the offered and selected lands

within 90 days from the execution of this agreement.

- The appraisal shall be prepared in accordance with BLM standards as prescribed in 43 CFR 2201.3 and will be subject to BLM review and approval.
- The proponent agrees that the appraisal report is being prepared for use by BLM and shall be subject to release and public review after it has been approved by the Chief State Appraiser.
- The proponent further agrees that the approved appraisal report shall be the property of BLM.

The following language will be included in all appraisal contracts for land exchanges:

- The appraisal report is being prepared for use by BLM and shall be considered the sole property of BLM. The appraisal report shall be subject to release and public review after it has been approved by the Chief State Appraiser.

Attachment 1/1